

**REMARKS**

***Status of the Claims***

Applicant respectfully requests reconsideration of the instant application in view of the above amendments and the following remarks. Upon entry of the amendment, claims 1-18 will be pending in the application. Of these, claims 1, 4, 7, 10, 13 and 16 are independent. Claims 1, 4, 7, 10, 13 and 16 are sought to be amended. Applicant believes that these changes introduce no new matter. Entry and consideration of this amendment are respectfully requested.

***Claim Rejections under 35 U.S.C. § 103***

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2005/0081245 A1 (hereinafter referred to as “Arad”) in view of U.S. Patent No. 6,675,388 B1 (hereinafter referred to as “Beckmann”). Claims 4, 7, 10, 13 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arad in view of Beckmann and in further view of U.S. Patent Application No. 2004/0068737 A1 (hereinafter referred to as “Itoh”). Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arad in view of Beckmann and in further view of Itoh and in further view of U.S. Patent No. 4,566,034 (hereinafter referred to as “Harger”). Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arad in view of Beckmann and in further view of Itoh and in further view of U.S. Patent No. 5,900,916 (hereinafter referred to as “Pauley”). Applicant respectfully traverses these rejections for at least the following reasons.

The amended independent claims each include similar features of: determining whether the last channel tuned to prior to being turned off was a radio frequency remodulated (RF-remodulated) channel via a set-top box; if the last channel was a RF-remodulated channel, then sending a signal to the set-top box to indicate that the television is on line with the RF-remodulated channel; if a tuner in the set-top box is not available for the television, then receiving an indication from the set-top box of a cable channel that was last RF-remodulated to the RF-remodulated channel for the television; and automatically changing the television to the cable channel to satisfy expectations of a user when the tuner is not available for the television.

Accordingly, the present claimed invention addresses user expectations when the last cable channel a television was tuned to prior to being turned off was RF-remodulated to the RF-remodulated channel for the television but now a tuner in the set-top box is not available. The claimed invention addresses the user expectations by automatically changing the television to the last viewed cable channel when the tuner in the set-top box is not available for the television.

Applicant respectfully asserts that Arad at paragraph [0081] (lines 1-8) states: "Once the setup process has been perform, normal operations start with step 122 where return loss ratio measurements are made at each of a plurality of frequencies covering the entire TV channel band. Next, in step 124, the collection of return losses measured in step 122 is compared to the signatures stored in memory for each channel. The channel whose signature has the least differences is selected as the channel to which the tuner is tuned." Arad discloses the channel whose signature has the least differences is selected as the channel to

which the tuner is tuned. Accordingly, Arad does not teach or suggest the claimed invention.

A careful review of Arad, Beckmann, Itoh, Harger and Pauley, either taken alone or in combination, failed to teach or suggest the claimed feature. For at least this reason, amended independent claims 1, 4, 7, 10, 13 and 16 and their respective dependent claims are distinguishable from Arad, Beckmann, Itoh, Harger and Pauley, either taken alone or in combination. Accordingly, Applicant respectfully requests that the rejections to these claims under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Applicant does not otherwise concede the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

#### **INVITATION FOR A TELEPHONE INTERVIEW**

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-0931 if there remains any issue with allowance of the case.

**CONCLUSION**

Applicant respectfully submits that all of the stated grounds of objections and rejections have been properly traversed accommodated or rendered moot. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections, and allowance of this application.

Respectfully submitted,  
Intel Corporation

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